IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.1354 OF 2001

IN

SUMMARY SUIT NO. 2265 OF 2001

Asian Paints (I) Ltd .....**Plffs.**
vs.
Maakali Hardware Store .....**Defnds.**

None for the plffs.

Milind More for the defnds.

CORAM: S.U. KAMDAR, J.

DATE : 30TH AUGUST, 2005.

P.C. :.

1. In the present suit there was a summons for Judgment initiated being Summons for Judgment No. 1055 of 2001. By an order dated 24.2.2003 the said Summons for Judgment was heard. The said Summons for Judgment is dismissed as triable issues arises

and the defendant was given leave to file written statement. Inspite of the aforesaid second Summons for Judgment was taken out being Summons for Judgment no. 1354 of 2001. In my opinion in view of the order passed in Summons for Judgment no. 1055 of 2001, the second Summons for Judgment is not maintainable. The second Summons for Judgment being 1354 of 2001 is misconceived and is accordingly dismissed. The plaintiff is directed to pay cost of the Summons for Judgment quantified at Rs.5,000/-.

****